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COSTCO WHOLESALE CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAFAELA JACQUEZ, an individual,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION, a
Corporation; ROBERT FERGUSON, an
individual, and DOES 1 to 100 Inclusive,

Defendants.

Case No. 4:22-cv-03718-HSG

**JOINT STIPULATION TO AMEND
PLEADINGS PER COURT ORDER
OF JULY 13, 2023; ORDER**

The Hon. Haywood S. Gilliam, Jr.

Action Filed: May 6, 2022

RECITALS

Pursuant to the Honorable Court's Order of July 13, 2023, regarding defendant Costco Wholesale Corporation's Motion for Leave to File a Late Answer, the parties to this action, by and through their respective attorneys of record, respectfully submit the following Stipulation to Amend the Pleadings, as follows:

1. On May 6, 2022, Plaintiff initiated this lawsuit, and filed a Complaint in the Contra Costa County Superior Court, naming "Costco Wholesale Membership, Inc." as a Defendant;

2. On June 23, 2022, Defendant Costco Wholesale Corporation filed an Answer to

1 Plaintiff's Complaint, generally denying Plaintiff's allegations and asserting various affirmative
2 defenses;

3 4. On June 23, 2022, Defendant Costco Wholesale Corporation also filed a Notice
4 of Removal, and removed this matter to the United States District Court for the Northern
5 District of California, pursuant to 28 U.S.C. sections 1332(a) and 1441(a);

6 6. On July 6, 2022, the Clerk for Department 21 of the Contra Costa County
7 Superior Court issued a notice to Costco Wholesale Corporation that it had rejected its Answer
8 because "Costco Wholesale Corporation" was not a named defendant, and the Court requires
9 that Costco either file an Answer on behalf of the correctly named entity, or indicate that it was
10 "erroneously sued";

11 12. On June 28, 2023, Defendant Costco Wholesale Corporation filed a Motion for
12 Leave to File a Late Answer;

13 13. On July 13, 2023, Plaintiff submitted a Non-Opposition to Costco's Motion for
14 Leave to File a Late Answer;

15 14. On July 13, 2023, this Honorable Court issued an order directing the parties to
16 file a stipulation which permits Costco to file a late Answer, and to allow Plaintiff to amend her
17 Complaint to substitute the correct entity;

18 15. Attached hereto as **Exhibit A** is the Answer Costco Wholesale Corporation
19 intends to file in this Court.

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STIPULATION

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel of record that, within 30 days of the Court executing this Stipulation: (1) Costco will file the Answer to Plaintiff's Complaint which is attached hereto as **Exhibit A**; (2) Plaintiff will file a first amended Complaint to substitute defendant "Costco Wholesale Membership, Inc." with "Costco Wholesale Corporation". Furthermore, by this stipulation, (3) Plaintiff dismisses Robert Ferguson, an individual, from the action without prejudice.

IT IS SO STIPULATED.

Dated: July 21, 2023

FREEMAN MATHIS & GARY, LLP

By: /s/ Jordan M. Meeks
Sharon C. Collier
Jordan M. Meeks
Attorneys for Defendant
Costco Wholesale Corporation

DATED: July 21, 2023

LYFE LAW

By: /s/ Soheil Bahari
Soheil Bahari
Attorney for Plaintiff RAFAELA JACQUEZ

ORDER

IT IS SO ORDERED.

DATE: 7/21/2023


HON. HAYWOOD S. GILLIAM, JR.